

Message Text

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ACTION DLOS-04

INFO OCT-01 IO-11 ISO-00 FEA-01 ACDA-07 AGR-05 AID-05

CEA-01 CEQ-01 CG-00 CIAE-00 CIEP-01 COME-00 DODE-00

DOT-00 EB-07 EPA-01 ERDA-05 FMC-01 TRSE-00 H-02

INR-07 INT-05 JUSE-00 L-03 NSAE-00 NSC-05 NSF-01

OES-06 OMB-01 PA-01 PM-04 PRS-01 SP-02 SS-15 USIA-06

SAL-01 AF-06 ARA-06 EA-07 EUR-12 NEA-10 OIC-02 /154 W
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R 061646Z APR 76

FM USMISSION USUN NY

TO SECSTATE WASHDC 6703

C O N F I D E N T I A L USUN 1405

DEPT PASS ALL DIPLOMATIC POSTS

FROM USDEL LOS

E.O. 11652: GDS

TAGS: PLOS

SUBJ: LOSC: CLASSIFIED SUPPLEMENT TO LOS WEEKLY SUMMARY:

MARCH 29-APRIL 2, 1976

1. SUMMARY: KEY EVENTS OF WEEK WERE CONTINUED EFFORT OF SMALL NEGOTIATING GROUP IN COMMITTEE I TO PUT TOGETHER BASIC PACKAGE OF COMPROMISE ARTICLES, AND BEGINNING OF MAJOR PUSH BY LANDLOCKED AND GEOGRAPHICALLY DISADVANTAGED STATES WHICH EMERGED IN FIRST INSTANCE ON DEBATE IN COMMITTEE II ON ECONOMIC ZONE. HEAD ON ATTACK BY LL/GDS ON ARTICLE 45, (ELABORATION OF COASTAL STATE RIGHTS IN ECONOMIC ZONE) LEFT U.S. IN HELPFUL MIDDLE POSITION IN OUR PROPOSED AMDNEMENT TO ARTICLE 45 WHICH WOULD TILT TEXT BACK TOWARD THAT NEGOTIATED IN THE EVENSEN GROUP IN GENEVA. IN COMMITTEE III SMALL GROUPS WILL BEGIN WORK ON BOTH SCIENCE AND MARINE POLLUTION ISSUES IN
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ATTEMPT TO REACH COMPROMISES WHICH HAVE NOT MATERIALIZED IN

COMMITTEE CONTEXT. END SUMMARY

2. REGIONAL GROUP POLITICS: THE LANDLOCKED/GEOGRAPHICALLY DISADVANTAGED STATES GROUP PROPOSES TO PRESENT PACKAGES OF AMENDMENTS TO BOTH COMMITTEE II AND COMMITTEE I SNT DURING COURSE OF THIS WEEK. GROUP SPOKESMEN HAVE BEEN TAKING AN ACTIVE ROLE IN SUPPORT OF MARITIME STATES POSITION ON NAVIGATIONAL ISSUES PRESUMABLY FOR PURPOSE OF MINIMIZING EXTENT OF COASTAL STATE JURISDICTION IN ECONOMIC ZONE. ON ONE LEVEL EFFORT IS SERVING USEFUL FUNCTION OF ATTRACTING ATTENTION TO GEOGRAPHIC INEQUITIES OF EXTREME COASTAL STATES POSITION WHICH WOULD PRIMARILY BENEFIT A NUMBER LATIN AND A FEW OTHER LARGE COASTAL STATES. THIS COULD HELP US GET SOME CHANGES BENEFITTING NAVIGATION. BUT, IT COULD ALSO REOPEN ENTIRE 200 MILE ECONOMIC ZONE CONCEPT AND HENCE ENTIRE CONFERENCE PACKAGE. INITIAL REACTION OF COASTAL GROUP HAS RANGED FROM IRRITATION TO FURIOUS DETERMINATION TO SCOTCH EFFORT. DURING WEEK EVENSEN (NORWAY) RECOVERED AN "EVENSEN GROUP" INCLUDING BOTH COASTAL AND LANDLOCKED STATES IN EFFORT TO WORK OUT ACCOMMODATION. INITIAL MEETING WAS PROCEDURAL AND INVITED AFRICAN DELS DID NOT APPEAR.

3. COMMITTEE II (TERRITORIAL SEA, STRAITS AND ECONOMIC ZONE). AT THE END OF THE WEEK, THE U.S. HAD REASON TO BE GUARDEDLY OPTIMISTIC ON ISSUES OF CRITICAL NATIONAL IMPORTANCE. IN THE CRITICAL STRAITS DEBATE EXTREMISTS FAILED TO MOBILIZE SUPPORT. ONLY APPROXIMATELY A DOZEN STATES ATTACKED THE UNIMPEDED PASSAGE REGIME AND URGED AN INNOCENT PASSAGE REGIME. A SIMILAR NUMBER (MAINLY THE SAME STATES) SUPPORTED AUTHORIZATION REGIME FOR WARSHIPS (SUBMARINES, IN PARTICULAR) AND AIRCRAFT. SPAIN, PERU, AND GREECE TOOK LESS STRIDENT POSITION ON STRAITS, BUT STILL CONTRARY TO THE U.S. POSITION, NOTABLY ON OVERFLIGHT. CANADA AND INDONESIA UNHELPFUL, BUT DID NOT SUPPORT ANY SPECIFIC AMENDMENTS. THERE WERE SOME SIGNS THAT STRAITS STATES ARE RESIGNED TO THE STRAITS CHAPTER REMAINING LARGELY UNTOUCHED IN THE SNT. THE HARD-LINE STRAITS STATES ADVOCATING INNOCENT PASSAGE WERE CHINA, TANZANIA, SOMALIA, ALBANIA, CAMBODIA, YEMEN, LIBYA, OMAN AND CONGO. CONFIDENTIAL

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ON THE OTHER HAND, LANDLOCKED AND GEOGRAPHICALLY DISADVANTAGED STATES SUCH AS ZAMBIA, AUSTRIA, SINGAPORE AND SWITZERLAND WERE HELPFUL TO US. GROUP OF FIVE POSITIONS WERE WELL COORDINATED. AMENDMENTS WERE TECHNICAL IN NATURE AND DREW LITTLE ATTENTION.

4. ON THE ECONOMIC ZONE, THE U.S. POSITION WAS MODERATE. THE SPECTRUM OF REVISIONS OF ARTICLE 45 RAN FROM EXTREME

TERRITORIALIST (URUGUAY) TO THE EXTREME LANDLOCKED, GEOGRAPHICALLY DISADVANTAGED (ZAMBIA). PERUVIAN AND AUSTRIAN PROPOSALS WERE MORE TOWARD MIDDLE GROUND. ALGERIA'S PROPOSAL TO PROVIDE FOR REVENUE SHARING IN THE ECONOMIC ZONE UNDER ISRA AUSPICES, IN THE NAME OF THE NEW INTERNATIONAL ECONOMIC ORDER, RECEIVED FEW ADHERENTS, AS DID ALGERIA'S PROPOSAL TO LINK THE NEGOTIATIONS IN COMMITTEE II TO THOSE IN COMMITTEE I.

5. SPECIAL PROBLEMS: THE U.S. HOSTED AN INFORMAL GROUP OF INTERESTED STATES TO NEGOTIATE ON ARTICLE 53 (HIGHLY MIGRATORY SPECIES). TUNA GROUP AGREED THAT AN ARTICLE CONTAINING AN OBLIGATION TO FORM AND PARTICIPATE IN REGIONAL ORGANIZATIONS WOULD STAND THE GREATEST CHANCE OF BEING ADOPTED. THE U.S. AND AUSTRALIA WILL PROVIDE A NEW DRAFT ARTICLE 53. THE CONTINENTAL MARGIN GROUP IS WORKING ON A NEW ALTERNATIVE OUTER BOUNDARY DEFINITION BASED ON THICKNESS OF SEDIMENT. THE U.S. OBJECTIVE IN THIS GROUP CONTINUES TO BE A PRECISE, REASONABLE BOUNDARY.

6. COMMITTEE III (SCIENTIFIC RESEARCH). SINCE C-III DISCUSSIONS PRODUCED NO REAL NEGOTIATIONS, AMB. BRENNAN OF AUSTRALIA CONVENED A SMALL GROUP TO CONSIDER FUTURE PROCEDURES (MEXICO, INDIA, U.S., JAPAN, NEW ZEALAND, PAKISTAN, BRAZIL, CANADA, NETHERLANDS, NORWAY, VENEZUELA -- USSR, KENYA, NIGERIA, PERU AND EGYPT WILL BE ADDED. USSR HAD BEEN INVITED BUT DID NOT COME.) GROUP DECIDED TO ATTEMPT TO NEGOTIATE COMPROMISE SINCE ALL MAJOR POINTS OF VIEW REPRESENTED AND THEN TO TRY TO SELL COMPROMISE TO CONFERENCE. AT MOMENT, AUSTRALIA GROUP IS ONLY AVAILABLE FORUM FOR SUCH DISCUSSIONS WHICH ARE ESSENTIAL IF ISSUE IS TO MOVE TOWARD COMPROMISE.
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7. MARINE POLLUTION: PROGRESS IS SLOW EVEN IN VALLARTA SMALL INFORMAL GROUP WHERE WE ARE ATTEMPTING TO WORK OUT AGREEMENT ON EACH ARTICLE FOLLOWING DISCUSSION IN THIRD COMMITTEE. BEGINNING NEXT WEEK, VALLARTA INTENDS ONLY MORNING SESSIONS OF COMMITTEE WITH AFTERNOONS RESERVED FOR SMALL GROUP WHICH SHOULD FACILITATE WORK. SMALL GROUP SHOULD BEGIN WORK ON VESSEL POLLUTION ISSUES LATE NEXT WEEK.

8. DISPUTE SETTLEMENT: DISCUSSION WITH GROUP OF FIVE REVEALED CONTINUED STRONG OPPOSITION THERE TO LOS TRIBUNAL. TALKS WITH NUMBER OF GROUP OF 77 INDICATED MANY IN GROUP WILL PROBABLY ENDORSE THE LOS TRIBUNAL IN PLENARY.

SCRANTON

NOTE BY OC/T: NOT PASSED ALL DIPLOMATIC POSTS.

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: LAW OF THE SEA, LANDLOCKED COUNTRIES, MEETING REPORTS
Control Number: n/a
Copy: SINGLE
Draft Date: 06 APR 1976
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: CunninFX
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1976USUNN01405
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: D760130-0015
From: USUN NEW YORK
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1976/newtext/t19760490/aaaaczee.tel
Line Count: 171
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION DLOS
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 4
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: CunninFX
Review Comment: n/a
Review Content Flags:
Review Date: 10 MAY 2004
Review Event:
Review Exemptions: n/a
Review History: RELEASED <10 MAY 2004 by woolflhd>; APPROVED <16 SEP 2004 by CunninFX>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
04 MAY 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: LOSC: CLASSIFIED SUPPLEMENT TO LOS WEEKLY SUMMARY: MARCH 29-APRIL 2, 1976
TAGS: PLOS
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006